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CATHERINE R. BOW

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

OMARR L. BURNETT,

Plaintiff,

vs.

DEPUTY FRAYNE, et al.,

Defendants.

Case No. 09-04693 SBA (PR)

**ADMINISTRATIVE ORDER SEALING  
PLAINTIFF'S CORRECTIONAL HEALTH  
MEDICAL RECORD AND ANY  
PORTIONS OF DOCUMENTS  
DISCUSSING SPECIFIC INFORMATION  
FROM THAT MEDICAL RECORD**

**ORDER**

Defendants Deputy Sheriff Timothy R. Frayne, former Deputy Sheriff Ryan Adler, Deputy Sheriff Chad R. Buck, and Sheriff's Correctional Officer Catherine R. Bow (collectively, the "County Defendants") have moved for an administrative order sealing pages BURNETT-CH 1 through BURNETT-CH 197 ("Plaintiff's Correctional Health Medical Record") included in Exhibit 1 of the Declaration of Susan Kole in Support of Defendants' Motion for Summary Judgment or in the Alternative Summary Adjudication (the "Kole Decl."), as well as the following portions of the Kole Decl.: Paragraph 4; Paragraph 10 at 4:14-24; Paragraph 11 at 4:27-5:3; Paragraph 12 at 5:5-9; and Paragraph 13 at 5:11-14. The County Defendants also ask that the order seal portions of future documents filed with the Court which discuss specific medical information from Plaintiff's Correctional Health Medical Record.


Here, the information sought to be sealed is protected from disclosure without permission as personal health information under California and Federal law. *See, e.g.*, 42 U.S.C. § 1320d-2 (Health Insurance Portability and Accountability Act); Cal. Civ. Code § 56 *et seq.* (Confidentiality of Medical Information Act). When such information is filed, the Court must balance the public interest in access to the information against the need to protect the information from disclosure. *See San Ramon Regional Medical Center, Inc. v. Principal Life Ins. Co.*, 2011 WL 89931, at \*1 n.1. “In view of these considerations, the Court finds that the need to protect [Plaintiff’s] confidential medical information outweighs any necessity for disclosure.” *Id.*

Accordingly, the County Defendants’ administrative motion to seal is GRANTED. The following items are ordered sealed pursuant to Local Rule 79-5(c) and shall be filed under seal pursuant to that rule:

- Kole Decl., Paragraph 4;
- Kole Decl., Paragraph 10 at 4:14-24;
- Kole Decl., Paragraph 11 at 4:27-5:3;
- Kole Decl., Paragraph 12 at 5:5-9;
- Kole Decl., Paragraph 13 at 5:11-14;
- Kole Decl., Exhibit 1, pages BURNETT-CH 1 through BURNETT-CH 197; and
- Any portion of a document filed in the future in this case that discusses specific medical information contained in Plaintiff’s Correctional Health Medical Record.

IT IS SO ORDERED.

Dated: \_\_\_\_5/6/11

  
 SAUNDRA B. ARMSTRONG  
 United States District Judge